

Chapter 18

STREETS AND SIDEWALKS

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ARTICLE I. IN GENERAL*

Sec. 18-1. Unlawful assembly.

It shall be unlawful for persons to gather in crowds or groups, or for any person to stand on any public street or sidewalk in such manner as to obstruct free passage thereon, or to annoy other persons passing along the same, and the Police Department is hereby authorized to disperse any crowd or group, or to cause the removal of any person violating the provisions of this Section, and to summarily arrest any person in case of the refusal on the part of such person to obey any reasonable direction given by such officer for the purpose of clearing the way, or preventing annoyance to passersby on any public street or sidewalk; but the officer making any such arrest shall as soon as possible after the arrest is made enter the proper complaint in court against the person so arrested.

(Code 1953, 12.0622)

Sec. 18-2. Parade permit.

No procession of parade, excepting the functions of the armed forces of the United States or this state shall occupy, march or proceed along any street except in accordance with a permit issued by the Board of Commissioners.

(Code 1953, 14.0154; Ord. No. 529, 2-27-61)

Sec. 18-3. Railroads.

- (a) It shall be unlawful for the directing officer or the operator of any railroad train or car to direct the operation of or operate the same in such manner as to prevent the use of any street for the purpose of travel for a period of time longer than five (5) minutes, except that this provision shall not apply to trains or cars in continuous motion.

(b) Whenever any railroad intersects any street, alley or avenue, it shall be unlawful for any railroad company, engineer, conductor or other person to conduct, permit, allow or assist in any flying switch.

(Code 1953, 14.0121, 14.0112; Ord. No. 529, 2-27-61)

Secs. 18-4-18-15. Reserved.

* **Cross references**-Housemovers, 10-112 et seq.; peddlers, 10-164 et seq.; motor vehicles and traffic, Ch.11; trees on streets, 20-39 et seq.; vehicles for hire, Ch. 21 water, sewers and sewage disposal, Ch. 22; subdivision regulations, App. A; zoning. App.B.

ARTICLE II. STREETS

DIVISION I. GENERALLY

Sec. 18-16. Obstructions generally.

Except as otherwise provided, it shall be unlawful for any person to obstruct any street. The City shall not be subject to civil liability for any street obstruction that it may authorize.

(Code 1953, 12.0602)

Sec. 18-17. Placement of materials in street.

(a) The Board of Commissioners may grant permission in writing to any person to deposit and keep lumber, stone, brick or other materials for building in any public street, road, alley or adjacent to the building to be erected or repaired, for a space of time not exceeding six (6) consecutive months; such permission shall not excuse obstructions of sidewalks or the placing of such material in such a way as to impede the free flow of water in the gutter.

(b) Every person to whom permission is granted pursuant to subsection (a) shall cause such material and rubbish resulting there from to be removed from such street, road or alley at the expiration of the time limited in the permit, unless the time shall for a good cause be extended by the Board of Commissioners and any person depositing and keeping any building material in any street, road or alley, under a permit from the Board shall, during every night while the same shall there remain, keep one or more lighted lanterns so placed that such material may be easily seen by persons passing along such street, road or alley.

(Code 1953, 12.0604)

Sec. 18-18. Tractors.

(a) No person or persons shall run, drive, propel or move, or cause or allow to be run, driven, propelled or moved, any traction engine, tractor, or caterpillar over or across any of the paved streets without a permit issued by the Board of Commissioners designating the street or streets upon, over or across which such traction engine, tractor, or caterpillar is to be moved, and the time when such street or streets may be used for such purpose.

(b) It shall be unlawful for any person to run, drive, propel or move, or cause to be run, driven, propelled or moved, whether by its own power or otherwise, any tractor, traction engine, or caterpillar tractor upon, over or across any of the paved streets, alleys or public grounds unless proper measures are taken to completely protect the surface of the pavement from injury and damage.

(c) This Section shall not apply to traction engines, tractors, caterpillars weighing less than eight thousand (8,000) pounds and having smooth or rubber tread wheels or tracks.
(Code 1953, 12.0624, 12.0623)

Sec. 18-19. Construction specifications.

No person shall construct any street which does not meet such specifications as are approved by the Board of Commissioners.
(Code 1953, 12.0303)

Sec. 18-20. Street names.

The names of all streets are hereby fixed as on the approved plat showing said street.

Secs. 18-21-18-26. Reserved.

DIVISION 2. NUMBERING

Sec. 18-27. Compliance required.

All buildings fronting on any public street or avenue in the City shall be numbered in conformity with the provisions of this division.
(Code 1953, 12.0201)

Sec. 18-28. Subdivisions.

The Building Inspector shall number all lots which are located in subdivisions.

Sec. 18-29. Numbering system.

(a) Buildings on the east side of the street or avenue shall be entitled to receive even numbers, and buildings on the west side thereof shall receive odd numbers, and buildings on the north side of any street or avenue shall be entitled to receive even numbers, and buildings on the south side thereof shall receive odd numbers.

(b) The numbers on all buildings on the street shall commence from Egan Avenue and shall number east and west from said Egan Avenue, and the numbers on all buildings on the avenues shall commence from Center Street and shall number north and south from said Center Street.

(c) The first number on the streets running east and west of Egan Avenue shall be one hundred (100) and proceeding thence shall increase at the rate of one hundred (100) for each block or space between each avenue, and the first number on all avenues running north and south of Center Street shall be one hundred (100) and thence shall increase in the same manner as on the east and west streets, and the first number in any block shall be one hundred (100) greater than the first number in the block preceding.

(d) To designate the numbers on all avenues running north and south of Center Street, the words north or south shall be between the number and the name of the street, according as the same may be north or south of Center Street, and to designate the numbers of all streets running east or west of Egan Avenue the word northeast shall be between the numbers and the name of the street in all that portion of said City north of Center Street and East of Egan Avenue. The word northwest shall be between the number and name of the street in all that portion of said City north of Center Street and west of Egan Avenue. The word southwest shall be between the number and the name of the street in all that portion of said City south of Center Street and west of Egan Avenue, and the word southeast shall be between the number and the name of the street in all that portion of said City south of Center Street and east of Egan Avenue.

(Code 1953, 12.020212.0205)

Sec. 18-30. Door numbering.

Each door on all streets shall be entitled to a number, and vacant lots fronting on streets shall be entitled to their proper number, and each twenty-five (25) feet of frontage shall be given a number.

(Code 1953, 12.0206)

Sec. 18-31. Failure to number.

The City Building Inspector under the supervision of the Board of Commissioners shall designate, upon application, the proper numbers for buildings. In the event that the owner of the property shall fail, neglect or refuse to place said numbers on said buildings as herein provided, the City may cause the same to be supplied and placed at the expense of the owner thereof and include the cost of the same as a special assessment on said property upon the return of the City Auditor showing that such numbering has been so done by the City. The numbers to be placed upon a building shall be legible and of such sufficient size as to be easily read from the street in front of the building.

(Code 1953, 12.0207)

Secs. 18-32-18-36. Reserved.

ARTICLE III. CONSTRUCTION, MAINTENANCE, ETC.

DIVISION I. GENERALLY

Secs. 18-37-18-42. Reserved.

DIVISION 2. EXCAVATIONS**Sec. 18-43. Public right-of-way.**

It shall be unlawful for any person to make any excavation within the public right-of-way for the purpose of installing or altering any utility installation without a utility excavation permit for such work from the Finance Office. The charge for such permit shall be as set by resolution of the Board of Commissioners and shall be on file with the Finance Office. Any work done under this permit shall be done in a manner and in a location as directed by the City Engineer or his representative.

(Code 1953, 3.0201; Ord. No. 764, 3-18-74; Ord. No. 1435, 9-10-07)

Sec. 18-44. Restoration and backfilling.

Any City improvements damaged as a result of the excavation work shall be restored to a satisfactory condition equal to that which existed prior to the time damage occurred. Backfilling shall be done in a manner approved by the City Engineer.

(Code 1953, 3.0203; Ord. No. 764, 3-18-74)

Sec. 18-45. Resurfacing.

Replacement of surfacing material after an excavation shall be done by or under the direction of the Public Works Director.

(Code 1953, 3.0204; Ord. No. 764, 3-18-74; Ord. No. 1435, 9-10-07)

Sec. 18-46. Fees for City work.

- a. The cost for materials used or for work done by City forces shall be billed to the applicant of the permit excavation and shall be at rates set by resolution of the Board of Commissioners. Charges for work shall exclude engineering or administrative work. The fact of the City's involvement in any of the work shall not in any way relieve the permit applicant of any obligation he may have under Section 16-2 of this Code.

(Code 1953, 3.0205; Ord. No. 764, 3-18-74; Ord. No. 1435, 9-10-07)

- b. City force restoration work shall generally be limited to replacement of surfacing material and the charge for this work shall be billed to the permit applicant at the fees set forth above. Should any other additional work by City forces be required, any costs for materials or labor shall be billed at their actual cost plus 15%. The Contractor shall be responsible for compaction and related resurfacing if settling occurs.

(Ord. No. 1435, 9-10-07)

Sec. 18-47. Bond.

Any person not holding a state plumber's license may nonetheless be granted an excavation permit. Such firm or individual shall first file a bond with the Finance Office in the amount of one thousand dollars (\$1,000.00). Said bond shall be for a period of two (2) years and shall have the same conditions as a plumber's bond.

(Code 1953, 3.0206; Ord. No. 764, 3-18-74; Ord. No. 1435, 9-10-07)

Sec. 18-48. Seasonal Limitations.

Except for emergency excavations, permits will not be issued November 1 through April 1.
(Ord. No. 1435, 9-10-07)

Sec. 18-49. Backfilling.

- a. All excavations shall be backfilled, compacted, and surfacing placed according to City Specifications on file with the Office of the City Engineer.
- b. The non-saturated excavated material may be used for backfill per City Specifications as approved by the City Engineer. As an alternate, granular material (maximum one inch) may be used to backfill all excavations within the roadway. The roadway is considered to extend five feet behind the curb and gutter for backfilling purposes.
- c. All emergency excavations opened during the winter months shall be backfilled to the level of the existing surface with approved granular material. The replacing of the final surfacing material will await favorable weather. The Street Department may elect to bill the applicant for resurfacing fees prior to the date of resurfacing.

18-50. Reserved.

DIVISION 3. TRAFFIC CONTROL IN WORK AREAS

Sec. 18-51. Purpose, scope of division.

The purpose of this division is to set forth the basic principles, uniform procedures, and prescribed standards for all public and private organizations to follow in the design, application, installation, and maintenance of all types of traffic-control devices required for street construction, maintenance operations, and utility work. The provisions of the division shall apply to all municipal forces, contractors, utility companies, and any other person, firm, corporation, or agency performing construction or maintenance work within the right-of-way of any public street, public way, or alley in the City.

(Ord. No. 873, 1, 5-14-79)

Sec. 18-52. General responsibilities.

Except where otherwise specified all persons or agencies doing work in or on streets and highways shall be responsible for:

- (a) Supplying, installing and maintaining all traffic-control equipment as outlined in this division as necessary to protect the work area and safeguard and direct traffic around their work.
- (b) Supplying their own flag-person.
- (c) Informing, where necessary, occupants of abutting properties, either orally or by circular notice, of parking prohibitions or access limitations.
- (d) Removing traffic-control equipment when it is no longer required.
- (e) Notifying the City Street Superintendent when existing City traffic signs need to be removed or relocated for construction or maintenance work.
- (f) For work requiring a permit or approval: Notifying the City Engineer's office of any changes in work scheduling and upon completion of the work.
- (g) Obtaining all necessary permits and/or permission for doing work in the City right-of-way. (Ord. No. 873, 2, 5-14-79)

* **Editor's note**-Ord. No. 873, adopted May 14, 1979, was non-amendatory of the Code; hence, codification of 1-5 of said Ordinance as 18-51-18-55 and codification of the liability provisions of said Ordinance as 18-56 is at the discretion of the editor.

Sec. 18-53. Street closures.*(A) Partial.*

- (1) Long-term closures. Where excavations, maintenance and repair work require the blocking of a portion of the street, the work including the placement of material, equipment and barricades, shall be performed in such a manner as to provide as many open traffic lanes as possible. This may require the closing of not more than one lane of moving traffic on the street at any one time; however, the circumstances and conditions in each particular job will determine the number of traffic lanes to be closed and open, with approval of the City Engineer's office. Where a traffic lane is blocked, parking shall be prohibited, if and where required, to expedite traffic. All work areas shall be properly protected with barricades and other traffic-control devices in advance to adequately warn and channelize traffic safely around the work area.
- (2) Temporary closures. Temporary stops in the streets, generally one hour or less, such as for service or inspection work shall be exempt from providing advance warning signs, lights, or barricades; provided all vehicles shall be equipped with flashing beacons to provide warning to moving vehicles and with adequate provisions for the safety of the work crew.

(B) *Complete*. Permission shall be obtained from the City Engineer's office for all street closures. The need for closing a street will depend on the type of work involved and its location. In general, complete street closures will only be permitted where it is necessary to obtain the proper quality and completion of the work, to insure adequate safety protection to the workers and the public, and where the closure will not create problems of private access or major disruptions to traffic.

(C) *Detours; accessways*. Local or residential street closures can generally be handled with a minimum disruption of traffic and will not normally require a detour. Closures of arterial streets, however, will require special handling by providing a marked detour route around the work area. In general, detours will be provided for all major work on arterial streets and involving at least a one-day closure. Requirements for a detour will be as follows:

- (1) A detour must be provided and properly signed in accordance with the requirements of this division and the City Engineer.
- (2) The detour shall be as simple and direct as possible. No turns shall be used on the detour other than those required to leave or enter the closed street or the parallel detour route.
- (3) Advance detour signs shall be posted on the street to be detoured a sufficient distance in advance to adequately warn motorists; and detour arrow signs shall be posted in advance of all turns in the detour route and along the route. Where the detour route signs appear on another major street, the street name of the street being detoured will appear on a sign placed above the detour sign.
- (4) All detour routes are to be protected by temporary stop signs, if required.
- (5) Where necessary, parking shall be prohibited along the detour route to expedite the movement of traffic.
- (6) The detour route must be clearly marked where it intersects other streets so that motorists will not turn prematurely back into the construction area or closed portion of the street.
- (7) "Road Closed" signs shall be used only when the road is closed to all traffic or all thru traffic and not as a notification of construction activity.

If, in the opinion of the City Engineer, it is necessary to provide access to any property along the closed portion of any street, or when traffic is required or permitted to use any such street, the contractor shall provide and maintain suitable traffic-control devices and/or flagpersons to protect the work and to safeguard the traffic using the street. Temporary closures on arterial streets for work such as resurfacing, tree trimming, and snow removal will not require a detour if such work is of a short time only.

(Ord. No. 873, 3, 5-14-79)

Sec. 18-54. Emergency provisions.

- (a) Occasionally, an emergency situation may arise where immediate action to protect the safety of the general public requires work to be done in a City street which is not in full compliance with the provisions of this division. Nothing in this division shall be construed as requiring a person or agency to delay emergency repairs when to do so could endanger the public safety.

- (b) If an emergency occurs during normal office hours (8:00 a.m. to 5:00 p.m., weekdays), the agency doing the work must first phone the City Engineer's office and obtain approval of said work. The applicant then will obtain the written permit in person as soon as possible, either during or after the emergency.
- (c) If the emergency occurs during other than normal work hours, the applicant is required to phone the Police Department (256-6515) and give the switchboard operator the location and nature of the emergency before starting the work. By this method, the switchboard operator can notify all other emergency agencies such as fire and ambulance. The applicant is required to appear in person before noon the next working day and obtain a written permit. (Ord. No. 873, 4, 5-14-79)

Sec. 18-55. Traffic-control devices.

(a) *Generally.*

- (1) All traffic-control devices used in the City on street construction or maintenance work shall conform to the specifications of this division and the Federal Highway Administration Manual on Uniform Traffic-Control Devices, 1978 edition. All devices not specifically covered in the manual shall be approved by the City Engineer.
- (2) Municipal departments shall provide, or make provision for, all traffic-control devices needed for their particular activities and they shall place and maintain these devices during the progress of their work. Contractors shall be responsible for providing and maintaining all traffic-control devices and flagpersons as necessary to protect the work area and safeguard and direct traffic around their work.
- (3) Traffic-control devices shall be set up prior to the start of construction or maintenance operations and shall be properly maintained during the time such conditions exist. They shall remain in place only as long as they are needed and shall be removed immediately thereafter. Where operations are performed in stages, there shall be in place only those devices that apply to the conditions present during the stage in progress. Signs that do not apply to existing conditions shall be removed, covered, folded, or turned so as not to be readable by oncoming traffic.
- (4) All barricades and sign supports shall be neatly constructed and they shall be repaired and cleaned or repainted as needed to maintain their appearance. Weeds, shrubbery, construction materials or equipment, spoil, etc. shall not be allowed to obscure any traffic-control device.
- (5) During the hours of darkness, traffic-control devices must be reflectorized or illuminated as further specified in the following information regarding each of these devices. The reflectorized surface of all barricades, signs, drums, and vertical panels shall consist of smooth flattop reflective sheeting. The reflectivity shall have the following minimum brightness values measured at two-tenths (0.2) degrees divergence angle and four degrees incidence angle, candle power per foot candle per square foot of materials.

White = 70 Orange = 20 Red = 14.5

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The reflectivity of the surface, totally wet, shall not be less than ninety (90) percent of these values. Color, both wet and dry, shall conform to the Federal Highway Administration color tolerance charts.

(b) *Signs.*

- (1) Generally. In some circumstances, special wording may be required. If so, such signs may be used only with the approval of the City Engineer; for color, size, shape, lettering and reflectorizing, any special sign must conform to the principles outlined in the Federal Highway Administration Manual on Uniform Traffic-Control Devices, 1978 edition. All signs intended to be used during hours of darkness shall be reflectorized or illuminated.
- (2) Placement; mounting requirements. Signs shall be placed in positions where they will convey their messages most effectively and placement must, therefore, be accommodated to highway design and alignment. Signs shall be so placed that the driver will have adequate time for response. The use of standard orange flags or yellow flashing warning lights in conjunction with signs is permitted, so long as they do not interfere with a clear view of the sign face.

As a general rule signs shall be located on the right-hand side of the street roadway. Where special emphasis is deemed necessary, or on one-way streets, dual installations may be made which consist of duplicate signs opposite each other on the left and right sides of the roadway, respectively. Within a construction or maintenance zone, however, it is often necessary and/or desirable to erect signs on portable supports placed within the roadway itself. It is also permissible to mount appropriate signs on barricades.

Signs on fixed supports are usually mounted on a single post, although those wider than thirty-six (36) inches or larger than ten (10) square feet in area must be mounted on two (2) posts. Construction and maintenance signs shall not be mounted on existing traffic signs, posts or other utility structures within the public right-of-way without permission from the City Engineer. The minimum mounting height from ground to bottom of sign on fixed supports shall be seven (7) feet unless otherwise indicated. Signs mounted on barricades or temporary supports may be at lower heights but the bottom of the sign shall not be less than one foot above the pavement elevation. For maximum mobility on certain types of maintenance operations, a large sign may be effectively mounted on a vehicle stationed in advance of the work or moving along with it. This may be the working vehicle itself or vehicle provided expressly for this purpose. These mobile sign displays may be mounted on a trailer, may be provided with self-contained electric power units for flashers and lights or may be mounted on a regular maintenance vehicle.

Where open street conditions prevail, such as excavations, on the approach to the work site advance warning signs should be placed approximately two hundred fifty (250) feet in advance of the restriction to which they are calling attention. Where a series of advance warning signs are used, the warning sign nearest the work site shall be placed approximately two hundred fifty (250) feet from the point of restriction with additional signs at one hundred fifty-foot intervals. As an alternate to specific distances on the legends of these advance warning signs, the word "ahead" may be used.

- (3) Temporary maintenance. Street maintenance operations are usually of short duration, therefore, not warranting special traffic-control regulations. Provisional control of traffic will ordinarily be accomplished through warning signs, while existing traffic regulatory signs such as Stop, Yield, Do Not Enter, One-Way, and parking regulations may, on occasion, be necessary. If so, it is essential that the use of such signs be authorized by those having responsive jurisdiction. On City Streets, such signs would be furnished and placed by the contractor as directed by the City Engineer.
- (4) Responsibility for use. It is the responsibility of the contractor or the job superintendent or foreman to see that required signing is used properly.

(c) *Barricades.*

- (1) Type. Barricades shall be one of three (3) types: Type I, Type II, or Type III. The characteristics of these types are shown in Table 1 and Table 2, Chapter XI, of the Traffic-Control Work Area Manual, current Edition, of the City of Sioux Falls, hereinafter known as the TCWAM.
- (2) Markings. Markings for barricade rails shall be alternate orange and white stripes (sloping downward at an angle of forty-five (45) degrees in the direction traffic is to pass).

Where a barricade extends entirely across a roadway, the stripes must slope downward in the direction toward which traffic must turn in detouring. Where both right and left turns are provided for, the chevron striping may slope downward in both directions from the center of the barricade, or two (2) barricades may be used.

The entire area of white and orange shall be reflectorized. The predominant color for other barricade components shall be white. All barricades shall carry the name, address and telephone number of the party who is responsible for placing and maintaining the barricades in case they need to be contacted at any time. The above identification shall be located on the support of the Type I barricade, and on the back side of a rail for the Type II and Type III barricades as shown in Figure 2 of Chapter XI of the TCWAM. The lettering shall be black, at least one (1) inch in height and not more than fifteen (15) square inches. Identification will not be permitted on any reflective surface of a barricade.

	<i>Type I*</i>	<i>Type II*</i>	<i>Type III*</i>
<i>Width of Rail</i>	Min., 8 inches Max., 12 inches	Min., 8 inches Max., 12 inches	Min., 8 inches Max., 12 inches
<i>Length of Rail</i>	Min., 2 feet Max., variable	Min., 2 feet Max., variable	Min., 2 feet Max., variable

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	<i>Type I*</i>	<i>Type II*</i>	<i>Type III*</i>
<i>Width of Stripes**</i>	6 inches	6 inches	6 inches
<i>Height</i>	Min., 3 feet	Min., 3 feet	Min., 5 feet
<i>Type of Frame</i>	Demountable or heavy "A" frame	Light A frame	Post or skids
<i>Flexibility</i>	Essentially movable	Portable	Essentially permanent

*For wooden barricades, nominal lumber dimensions will be satisfactory.

**For rails less than three (3) feet long, four-inch wide stripes may be used.

(d) *Traffic cones and drums.* Traffic cones and drums shall be used to channelize traffic. Cones and drums shall be reflectorized and meet all requirements of Figure 4 "Channelizing Devices," of the TCWAM.

(e) *Lighting devices.* Approved lighting devices shall be used to supplement the above-mentioned signs, barricades, and channelizing devices where the construction and maintenance activities will create hazardous night driving conditions. Barricade warning lights shall meet the following standards:

TABLE 2. WARNING LIGHTS

	<i>Type A Low Intensity</i>	<i>Type B High Intensity</i>	<i>Type C Steady Burn</i>
<i>Lens Directional Faces</i>	1 or 2	1	1 or 2
<i>Flash Rate Per Minute</i>	55 to 75	55 to 75	Constant
<i>Flash Duration*</i>	10%	8%	Constant
<i>Minimum Effective Intensity**</i>	4.0 Candelas	35 Candelas	
<i>Minimum Beam Candle Power**</i>			2 Candles
<i>Hours of Operation</i>	Dusk to Dawn	24 Hrs./Day	Dusk to Dawn

*Length of time that instantaneous intensity if equal to or greater than effective intensity.

**These values must be maintained within a solid angle of ninety (90) degrees on each side of the vertical axis, and five (5) degrees below the horizontal axis.

- (f) *Illustrations.* Traffic controls, as shown in Figure 1 thru Figure 19 inclusive of Chapter XI of the TCWAM, shall be considered minimum standards of the type and placement of traffic controls around street construction and maintenance areas. Additional controls may be required where conditions warrant for the safety of the workers and the public.
(Ord. No. 873, 5, 5-14-79)

Sec. 18-56. Liability.

The provisions contained in this division shall not create liability on the part of the City of Madison, or any officer or employee thereof, for any damages, accidents, or losses that result from reliance on the provisions hereof, or any administrative decision lawfully made hereunder.
(Ord. No. 873, 5-14-79)

Sec. 18-57.

The Street Department, under the direction of the Public Works Commissioner, shall have exclusive jurisdiction, supervision and responsibility for the maintenance, repair or clean up of the creeks and waterways flowing through the City. The street superintendent shall be responsible for supervision of cleanup or maintenance of said areas through the use of City crews and equipment and/or the hiring of contract labor and/or equipment in conformity with the normal contracting and procedures required by law and the policies of the City.
(Ord. No. 1176, 5-30-94)

Sec. 18-58. Reserved.**ARTICLE IV. SIDEWALKS****DIVISION 1. GENERALLY****Sec. 18.59. Required; specifications.**

- (a) Sidewalk placement shall be required with all building permit applications for new construction where side yard and/or frontage and gutter exists.
- (b) The sidewalk line and grade will be established by the City Engineer. Inner sidewalk line shall be located within the public right-of-way six inches from the property line. Sidewalk grade shall parallel curb grade with approximately a four-inch differential. These requirements are general in nature and may be modified by the City Engineer to accommodate unusual conditions.

The following specifications shall be considered minimum requirements for sidewalk placed within public right-of-way:

- (1) Width: four (4) feet eight (8) inches;

- (2) Thickness: three and one-half (3 1/2) inches;
 - (3) Gravel Cushion: two (2) inches;
 - (4) Cement: five and one half (5 1/2) sacks per cubic yard;
 - (5) Slump: three (3) inches to five (5) inches per cubic yard;
 - (6) Air entrainment: five (5) to seven (7) percent;
 - (7) Curing: five (5) days.
 - (8) Concrete or asphalt driveways abutting the sidewalk shall be at the sidewalk grade.
- (c) Where the City Commission has determined a necessity exists for the construction or replacement of sidewalks in order to provide safe passage for pedestrian traffic, said Commission may order the construction or replacement of sidewalk. After proper notice expires, the Commission may contract for the construction of sidewalk. The cost of said construction shall be assessed against abutting property.
(Code 1953, 12.0401-12.0104; Ord. No. 824. 10-12-76)
- (d) Where the City Commission finds that strict compliance with this Section creates an extraordinary hardship, said Commission may waive any or all requirements so that substantial justice may be done and the public interest protected.
(Code 1953, 12.0401-12.0104; Ord. No. 824, 10-12-76; Ord. No. 1131, 04-20-92)

Sec. 18-60. Construction permit.

No person shall construct any concrete walk or crossing without having a written permit from the City Engineer.
(Code 1953, 12.0406; Ord. No. 824, 11-12-76; Ord. No. 1131, 04-20-92)

Sec. 18-60.1. Time limits under permit; extensions.

- (a) For building permits issued between January first and September first, both dates inclusive, sidewalk placement shall be completed by the building permit applicant by the following November first. For building permits issued between September second and December thirty-first, both dates inclusive, sidewalk placement shall be completed by the building permit applicant by the following June fifteenth.

- (b) Upon application of the holder of a building permit for an extension of time for completion of sidewalk placement, the City Commission may grant such extension to June fifteenth of the following year if the City Engineer certifies to the commission that weather conditions prohibited sidewalk construction.

(Ord. No. 864, 12-4-78; Ord. No. 1131, 04-20-92)

***Editor's note**-Ord. No. 864, adopted Dec. 4, 1978, amended Ord. No. 824 by adding thereto new Sections, included herein as 18-60.1 at the discretion of the editor.

Sec. 18-61. Supervision of construction.

The construction of all concrete walks or crossings shall be under the supervision and direction of the City Engineer at all times.

(Code 1953, 12.0406; Ord. No. 824, 11-12-76; Ord. No. 1131, 04-20-92)

Sec. 18-62. Cleaning.

- (a) It shall be the duty of the occupant or owner of any lot or parcel of land in the City abutting on any alley or sidewalk to keep such sidewalk and also to keep such alley to the center thereof, free from dirt, debris and/or rubbish of any sort.
- (b) If any such occupant or owner shall permit any such substance to be or remain on any sidewalk adjacent to the lot or parcel of land by him occupied or owned, or between the line of such lot or parcel of land and the center of any alley adjacent thereto, for more than twenty-four (24) hours after receiving notice from the Board of Commissioners to remove the same, he shall be guilty of a misdemeanor.
- (c) Between the first and fifteenth days of April and September of each year, and at other times if necessary, the City shall make a thorough inspection of the sidewalks and alleys, and shall then give written notice to the occupants or owners, whenever the condition of any sidewalk or alley may require it.

(Code 1953, 12.0614; Ord. No. 1131, 04-20-92)

Sec. 18-63. Obstructions.

No person shall place any goods or merchandise for sale or exhibition upon any sidewalk, or suspend any goods over the same for show, or deposit thereon, or cause or suffer to be deposited thereon, any cask, barrel, case, box or other package, except as provided in Section 18-64 of this Code.

(Code 1953, 12.0605; Ord. No. 1131, 04-20-92)

Sec. 18-64. Placement of Goods.

It shall be lawful for any person to place on the outer three (3) feet of the sidewalk in front of his premises, for a period not exceeding ten (10) hours, goods and merchandise, which he may be in the act of receiving or delivering. It shall be lawful for any person to display on or over the sidewalk in front of and within two (2) feet of the building by him used as a place of business, any goods, wares or merchandise; provided, that no goods or merchandise thus displayed shall be left on or over such sidewalk during the night.

(Code 1953, 12.0608; Ord. No. 1131, 04-20-92)

Secs. 18-67-18-73. Reserved.

DIVISION 2. SNOW REMOVAL

Sec. 18-74. Required.

- (a) The property owner, tenant, or person in possession of any property abutting on any sidewalk shall dispose of accumulated snow and keep such sidewalk free from snow and such owner, tenant or person in possession shall within twelve (12) hours after any fall of snow, and before 9:00 a.m. of the next day, if the snow occurs after 12:01 a.m. of the day, or if such fall of snow should occur the preceding day, remove the snow from so much of said sidewalk as shall adjoin the premises owned or occupied by them.

(Code 1953, 12.0501; Ord. No. 780, 2-18-75; Ord No. 1131 04-20-92)

Sec. 18-75. Deposits of snow.

The property owner, tenant or person in possession of any public or private driveway, parking lot or parking area shall dispose of accumulated snow upon such property in such manner that any snow when removed is not deposited upon any sidewalk within or upon any public street or alley in such a manner that will obstruct or interfere with the passage or vision of vehicle or pedestrian traffic.

(Code 1953, 12.0501; Ord. No. 780, 2-18-75)

Sec. 18-76. Removal notice.

No penalty or special assessment shall be imposed under this article unless the City causes notice to be given to all owners or occupants of property abutting sidewalks in said City to keep such sidewalks free of snow, and to remove the same within twelve (12) hours after every fall of snow, or prior to 9:00 a.m. of the succeeding day. Such notice shall be published in the official newspaper twice a year, the first being on or around November 1 and the second notice published at the time of the first snowfall.

(Code 1953, 12.0502; Ord. No. 1065, 1-18-88)

Sec. 18-77. Violations.

Any person violating any of the provisions of this article shall upon conviction be punished as provided by Ordinance, provided, however, that in case any property owner is a nonresident and the premises are not actively occupied, the City may, at its option, remove the snow and assess the costs and expenses as a special assessment against each lot and parcel of land upon which it is so removed.

(Code 1953, 12.0502)

Sec. 18-78. Special assessments.

The City officials shall keep a true and correct account against each and every lot and parcel of land for the cost and expenses of snow removal done by the City, and shall certify such cost to the City Auditor each year on or before the fifteenth day of April. The auditor shall prepare an estimate of the cost and expense of the removal of such snow as returned by said City officials from each lot or parcel of land in front of which such snow shall have been so removed, and submit the same to the Board of Commissioners and thereafter such proceedings shall be taken as provided for the assessments of special assessments and such cost and expense of the removal of such snow in front of each lot or parcel of land shall be made and levied as a special assessment against each such lot or parcel of land and shall be collected in like manner as special assessments are now collected for public improvements.

(Code 1953, 12.0503)

Secs. 18-79-18-85. Reserved.**DIVISION 3. CONTRACTORS****Sec. 18-86. License required.**

It shall be unlawful for any person to engage in the business of constructing cement sidewalks or crossings without a license issued by the Board of Commissioners.

(Code 1953, 12.0403; Ord. No. 706, 6-15-70)

Sec. 18-87. License fee.

The fee for an applicant for the license required by the provisions of this division shall be five dollars (\$5.00) per year.

(Code 1953, 12.0403; Ord. No. 706, 6-15-70)

Sec. 18-88. License expiration.

The license required by the provisions of this division shall expire at the end of each calendar year.

Sec. 18-89. Bond.

It shall be unlawful for any person to engage in the business of constructing cement sidewalks or crossings within the City limits of Madison, without first having given a bond to the City in the sum of five hundred dollars (\$500.00), that he will construct said walks and crossings in accordance with law and the Ordinance and in a skilled and workmanlike manner, said bond to remain in effect for two (2) years.

(Code 1953, 12.0403; Ord. No. 706, 6-15-70)

ARTICLE V. SNOW REMOVAL

DIVISION 1. EMERGENCIES

Sec. 18-96. Repealed.

(Ord. No. 1239, 01-13-97; Ord. No. 1323, 11-12-02)

Sec. 18-97. Repealed.

(Ord. No. 1239, 01-13-97; Ord. No. 1323, 11-12-02)

Sec. 18-98. Designation of snow emergency routes.

The following are hereby designated as emergency snow routes within the City of Madison:

NW 9th Street from Highland Avenue east to Division Avenue

NW 2nd Street West City Limits east to Summit Avenue

NE 3rd Street from Summit Avenue east to Airport Road

SW 1st Street from Highland Avenue east to Blanche Avenue

SW 4th Street from Highland Avenue east to Division Avenue

Highland Avenue from NW 9th Street to SW 4th Street

Union Avenue from NW 9th Street to SW 10th Street

Egan Avenue from 9th Street north to 2nd Street north

Egan Avenue from 4th Street south to 10th Street south

Washington Avenue from NE 11th Street south to SE 10th

Prairie Avenue from NE 9th Street south to NE 3rd Street

Division Avenue from NE 9th Street south to SE 4th Street

Lee Avenue from NE 9th Street to NE 8th Street

NE 8th Street from Prairie to Roosevelt

SW 7th Street from Union Avenue to Highland Avenue

SE 3rd Street from Egan Avenue to Washington Avenue

(Ord. No. 1239, 01-13-97; Ord. No. 1323, 11-12-02; Ord. No. 1474, 11-24-08)

Sec. 18-99. Designation of commercial core area.

That area of the City including and bounded by Second Street North on the north, Washington Avenue on the east, Second Street South of the south, and Blanche Avenue on the west is hereby designated as the commercial core area. City policy shall be to blade, windrow, load, and haul snow from the core area.

(Ord. No. 1323, 11-12-02)

Sec. 18-100. Parking of vehicles.

- (a) Whenever the Public Works Director or his designated representative finds that falling snow, sleet, or freezing rain will create conditions causing potential dangerous driving conditions a snow emergency alert shall be called which makes it necessary that the parking of motor vehicles on all streets will be restricted or prohibited. The Public Works Director is authorized to announce such restrictions and prohibitions, to become effective not less than two (2) hours after such announcement, at a time to be specified by the Public Works Director or his designated representative. Announcement of such restrictions and prohibitions shall be in accordance with the requirements of Section 18-109. No vehicle shall be parked on any street or public ground for a period longer than twenty-four (24) hours in any one location, or twenty (20) lineal foot area.
- (b) The restriction and prohibition of parking announced by the Public Works Director or his designated representative under the authority of this Section shall remain in effect until the Public Works Director or his designated representative announces the termination of the snow emergency alert.
- (c) Repealed.
(Ord. No. 1239, 01-13-97; Ord. No. 1323, 11-12-02; Ord. No. 1391, 1-3-06; Ord. No. 1392, 1-3-06; Ord. No. 1518, 11-28-11)

Sec. 18-101. No parking during snow emergency alert on snow emergency routes in the City.

During a snow emergency alert no person shall park or allow to remain parked any vehicle on any public street or avenue designated as a snow emergency route as defined and listed in Sec. 18-98 until the snow emergency alert is terminated as defined in Sec. 18-110.
(Ord. No. 1239, 01-13-97; Ord. No. 1323, 11-12-02)

Sec. 18-102. Limited no parking during snow emergency alert in commercial core area of the City.

During a snow emergency alert, no person shall park or allow to remain parked any vehicle on any public street or avenue within the commercial core area of the City as that term is defined by Sec. 18-99 between the hours of 2:00 a.m. and 6:00 a.m.
(Ord. No. 1239, 01-13-97, Ord. No. 1280, 01-18-99; Ord. No. 1323, 11-12-02)

Sec. 18-103. No Parking - during snow emergency alert in City parking lots.

It shall be unlawful for any person to park any vehicle in the designated downtown City owned parking lots from 2:00 a.m. to 6:00 a.m. after a snow emergency alert has been declared until the parking lot has been cleared of snow.
(Ord. No. 1239, 01-13-97, Ord. No. 1251, 12-08-97; Ord. No. 1323, 11-12-02)

Sec. 18-104. Repealed.

(Ord. No. 1239, 01-13-97, Ord. No. 1251, 12-08-97; Ord. No. 1323, 11-12-02, Ord. No. 1370, 11-29-04)

Sec. 18-105. Operation of vehicles.

While a snow emergency alert is in effect and until such emergency has been declared to be terminated by the Public Works Director or his designated representative, no person shall operate a motor vehicle on any snow emergency route in such manner or in such condition as to allow or permit such vehicle to become stalled on such route. Stalled vehicles in the roadway when a driver is not present and actively trying to remove, are subject to immediate tow.

(Ord. No. 1239, 01-13-97; Ord. No. 1323, 11-12-02; Ord. No. 1391, 1-3-06; Ord. No. 1518, 11-28-11)

Sec. 18-106. Removal of vehicles - when authorized.

It shall be unlawful for any vehicle to remain on any designated City street or alley when a snow emergency is declared and this ban remains in effect until the Snow Emergency has been lifted. Vehicles parked on a snow emergency route are subject to an immediate parking ticket with a twenty-five dollar (\$25) fine.

No vehicle shall be parked on any street or public ground for a period longer than twenty-four (24) hours in any one location, or (20) lineal foot area after plows are activated for an Emergency Snow Alert.

The owner of any vehicle remaining on any street or alley after the Snow Emergency Alert has gone into effect shall be notified with a Police Department 24-hour warning sticker placed on the vehicle. After the 24-hour warning period has passed, any vehicle remaining upon the City street or alley is subject to a twenty-five dollar (\$25) parking ticket and the vehicle will be towed.

(Ord. No. 1239, 01-13-97; Ord. No. 1323, 11-12-02; Ord. No. 1518, 11-28-11)

Sec. 18-107. Removal of vehicles - Recovery.

No person shall recover any vehicle removed in accordance with Section 18-106 except as provided therein. Before the owner or person in charge of such vehicle shall be allowed to recover it from the place where it has been placed or impounded, he shall present to a member of the police department evidence of his identity and right possession of said vehicle, shall sign a receipt for its return, shall pay the cost of any fine, removal charges, and storage fees.

Until paid, these charges constitute a lien on the vehicle, which may be enforced in the same manner as a garage keeper's lien in accordance with the provisions of the statute of South Dakota. (Ord. No. 1239, 01-13-97; Ord. No. 1323, 11-12-02)

Sec. 18-108. Removal of vehicles - Record.

It shall be the duty of the police department to keep a record of each vehicle removed in accordance with Section 18-106. The recorded shall include a description of the vehicle, its license number, the date and time of its removal, where it was removed from, its location, the name and address of its owner and last operator, if known, its final disposition and the parking violation involved.

(Ord. No. 1323, 11-12-02)

Sec. 18-109. Notice of snow emergency alert.

- (a) Notwithstanding the automatic effectiveness of these regulations as provided in Section 18-100, the continuance in effect or termination of each snow emergency alert shall be announced by the Public Works Director or his designated representative. Such announcement shall be made by means of radio and television broadcasts. Each such announcement shall state the time these snow emergency regulations became or will become effective.
- (b) Nothing contained in this division shall operate to prevent the Public Works Director or his designated representative from stating in advance his intention to declare a snow emergency alert at or after that time, nor shall anything herein contained operate to prevent the Public Works Director or his designated representative from announcing, through the means set forth in this Section, that he has not declared a snow emergency alert.
(Ord. No. 1239, 01-13-97; Ord. No. 1239, 01-13-97; Ord. No. 1323, 11-12-02; Ord. No. 1391, 1-3-06; Ord. No. 1518, 11-28-11)

Sec. 18-110. Termination of emergency.

Whenever the Public Works Director or his designated representative shall find that some of or all of the conditions which gave rise to the snow emergency no longer exists, he is authorized to declare the termination of the emergency, in part or in whole, effective immediately upon announcement. If such announcement is first made other than between 6:00 a.m. and 9:00 p.m. it shall be repeated between these hours.
(Ord. No. 1239, 01-13-97; Ord. No. 1323, 11-12-02; Ord. No. 1391, 1-3-06; Ord. No. 1518, 11-28-11)

Sec. 18-111. Record of declaration.

The Public Works Director or his designated representative shall make or cause to be made a record of the date and time on which the declaration of a snow emergency alert, the announcement of a parking prohibition and termination is first made to the public, and the date, time and conditions of any announcement made to the public either in part or in whole, in accordance with the requirements of Section 18-109.
(Ord. No. 1239, 01-13-97; Ord. No. 1323, 11-12-02; Ord. No. 1391, 1-3-06; Ord. No. 1518, 11-28-11)

Sec. 18-112. Signs.

Signs shall mark snow emergency routes on each street designated by this division as a snow emergency route. The Public Works Director or his designated representative shall post special signs with the wording "Snow Emergency Route", such signs shall be posted two (2) in each block, attached to the meter posts, where posts are in place. If no posts are in place, the signs are to be posted in two (2) locations on poles, posts or other locations in each block.
(Ord. No. 1239, 01-13-97; Ord. No. 1323, 11-12-02; Ord. No. 1391, 1-3-06; Ord. No. 1518, 11-28-11)

Sec. 18-113. Other streets, cul-de-sacs, and turn arounds.

For the purpose of this division, cul-de-sacs, courts, or turn arounds shall be classified as streets or avenues on which they have access.

(Ord. No. 1239, 01-13-97; Ord. No. 1323, 11-12-02)

Sec. 18-114. Business lots, parking lots, etc.

It shall be unlawful for the owner, occupant, or operator of a business, apartments, mobile home park, parking lot, or other vacant space to blade, push, plow, blow, shovel or deposit the snow from said area into the public street in any manner that would hamper pedestrian or vehicle travel and/or onto a public boulevard right-of-way in any manner that could create as sight obstruction by unduly impairing visibility at any intersection or that would effectively block street signage.

(Ord. No. 1239, 01-13-97; Ord. No. 1323, 11-12-02)

Sec. 18-115. Driveways, mailboxes, and fire hydrants.

City policy shall be not to remove snow deposits left by snowplows at private driveways, mailboxes or vehicle delivery, and fire hydrants. Property owners are responsible for clearing snow as deemed necessary near mailboxes and fire hydrants located in the boulevard areas. City policy will be to eventually return and clear and widen streets to near the curb line as much as practical after the snow emergency has been terminated. Widening operations may unfortunately produce blocked/plugged driveway conditions for property owner/tenants.

(Ord. No. 1239, 01-13-97; Ord. No. 1323, 11-12-02)

Sec. 18-116. DSU perimeter parking snow removal.

City policy shall be to cooperate with DSU concerned perimeter parking snow removal operations.

(Ord. No. 1239, 01-13-97; Ord. No. 1323, 11-12-02)

Sec. 18-117. Removal of snow from sidewalks.

The ordinance addressing snow removal from sidewalks is set forth in Section 18-62 and Section 18-74 through 18-78 inclusive.

(Ord. No. 1239, 01-13-97; Ord. No. 1323, 11-12-02)

Sec. 18-118. Repealed.

(Ord. No. 1239, 01-13-97; Ord. No. 1323, 11-12-02)

Sec. 18-119. Repealed.

(Ord. No. 1239, 01-13-97; Ord. No. 1323, 11-12-02)

Sec. 18-120. Repealed.

(Ord. No. 1239, 01-13-97; Ord. No. 1323, 11-12-02)

Sec. 18-121. Repealed.

(Ord. No. 1239, 01-13-97; Ord. No. 1323, 11-12-02)